

## REMARKS

Claims 1-50 remain pending in the present application.

The Examiner rejected claims 1-3, 6-8, 13, 14, 16-18, 22, 23, 26, 27, 31-33, 38, 39, 42-44, 46 and 49 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,587,744 (*Stoddard*).

Applicants respectfully assert that *Stoddard* does not teach, disclose, or suggest all of the elements any of the claims of the present invention. The Examiner has misapplied the disclosure of *Stoddard* to read upon elements of the present invention. *Stoddard* does not disclose performing the dynamic metrology routing adjustment process called for by claim 1 of the present invention. The dynamic metrology routing process of claim 1 comprises correlating tool state analysis to a batch of workpieces and adjusting the metrology routing based upon the correlation. *Stoddard* clearly does not disclose performing any type of correlation of tool state analysis to a batch of workpieces and performing an adjustment of metrology routing. The Examiner cites a disclosure in *Stoddard* that related to a metrology acquisition request from an ARRC controller 75 that is associated with a metrology map. *See* column 5, line 42-45. *Stoddard* discloses that the metrology map information is acquired and stored in a metrology database 85. *See* column 5, lines 45-48. The metrology map of *Stoddard* is a device that allows a user to define the method of acquiring process measurements, as well as the format in which the data is presented. However, *Stoddard* clearly does not disclose any type of metrology routing, as called for by claims of the present invention. *See* column 5, lines 50-55.

*Stoddard* discloses that the metrology map relates to user definable parameters, such as number of wafers, sites, and the specific names for the metrology points. However, *Stoddard*

clearly does not disclose adjusting a metrology routing. In fact, *Studdard* does not disclose any type of metrology routing at all. *Studdard* is related to performing compensation for gradual process drift and/or upstream process variations. See column 3, lines 5-11 and column 4, lines 40-44. *Studdard* is related to feedback and feed-forward adjustments based upon a process drift of the actual process itself, or upstream process variation in the process. *Studdard* discloses that the recipe adjustment to compensate for gradual process drift is essentially a feedback control and the upstream process variation is basically a feed-forward control. See column 4, lines 40-44. However, *Studdard* clearly does not disclose any type of metrology routing, as called for by claims of the present invention. As described above, *Studdard* clearly does not disclose correlating tool state analysis to a batch of workpieces and adjusting the metrology routing based upon the correlation. Therefore, *Studdard* clearly does not disclose, teach or suggest all of the elements of claim 1 of the present invention. Accordingly, claim 1 of the present application is allowable for at least the reasons cited herein. Further independent claims 13, 16, 17, 22, 26, 38, 42, 44, and 46 call for various methods, apparatuses, and/or systems that call for correlating tool state analysis to a batch of workpieces and adjusting the metrology routing based upon the correlation, which are elements not taught, discloses, or suggested by *Studdard*. Accordingly, for at least the reasons provided herein, independent claims 1, 13, 16, 17, 22, 26, 38, 42, 44, and 46 are allowable.

In light of the arguments provided herein, all of the claims of the present invention are allowable. Independent claims 1, 13, 16, 17, 22, 26, 38, 42, 44, and 46 are allowable for at least the reasons cited above. Additionally, dependent claims 2-8, 14, 18, 20-21, 23, 25, 27-33, 39-41,

43, 45, and 47-50 which depend from independent claims 1, 13, 17, 22, 26, 38, 42, 44, and 46, respectively, are also allowable for at least the reasons cited above.

Applicants acknowledge and appreciate that the Examiner has indicated that claims 4-5, 9-12, 15, 19-21, 24-25, 28-29, 34-37, 40-41, 45, 47-48, and 50 contain allowable subject matter, however, in light of the arguments presented herein, Applicants contend that all of the claims of the present invention are allowable.

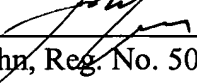
In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.  
CUSTOMER NO. 23720

Date: April 13, 2006

By:   
Jaison C. John, Reg. No. 50,737  
10333 Richmond, Suite 1100  
Houston, Texas 77042  
(713) 934-4069  
(713) 934-7011 (facsimile)  
ATTORNEY FOR APPLICANT(S)